

## **REMARKS**

### Introductory Comments

Reconsideration of the above-identified application in view of the above amendments and foregoing arguments is respectfully requested.

Claims 1-2, 4-17 and 26 are pending and under consideration. Claim 3 has been canceled in this amendment. Claims 1 and 4 have been amended as explained below. Claim 16 has been amended to correct a typographical error made in the previous Response where the claim dependency was inadvertently transcribed as 16 instead of 15. No new matter has been added as a result of these amendments.

Applicants acknowledge with thanks the Examiner's withdrawal of the rejections under 35 U.S.C §§ 102, 103 and 112, second paragraph made in the previous Office Action. Applicants also thank the Examiner for noting that claims 2-6, 8-17 and 26 are now free of the prior art.

### Rejection of Claims 1-17 and 26 Under 35 U.S.C. § 112, First Paragraph

Claims 1-17 and 26 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner alleges that the claims contain subject matter, which was not described in the specification in such a way as to reasonably convey one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse the rejection.

Specifically, the Examiner states that the specification fails to disclose the "unconjugated" large polycation as recited in the claims.

Previously, claims 1, 9, 14-17 and 26 were amended to require the polycation to be in an unconjugated form (for overcoming the rejection under 35 U.S.C. § 102(e), please see Applicants' Amendment of November 24, 2003) and to explicitly require a step in the body of the claims for decreasing interferences

as requested by the Examiner. Support for these amendments can be found in the specification on pages 2-4 and in the examples.

MSN Encarta Dictionary® defines “conjugate” as “to join two substances together in such a way that they can easily be separated again, especially in chemical reactions” in the chemical context, and BioTech Dictionary® relates the word “conjugate” as the joining of two molecules, such as “fluorescein-conjugated antibody” being defined as “refers to an antibody that has joined with a fluorescein molecule”. This is a term that is well defined in biochemistry. Thus, “unconjugated” with respect to a molecule means that the molecule is not joined to another molecule.

Pages 2-4 and the Examples from the specification describe the polycations used in the claimed methods. The specification does not require the polycations to be in a conjugated form, or joined to another molecule. Therefore, inherently, the specification discloses polycations in an unconjugated form.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-17 and 26 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

**Rejection of Claims 1 and 7 Under 35 U.S.C. § 102(b)**

Claims 1 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Siedel *et al.*, U.S. Patent Number 5,288,606.

Applicants have amended claim 1 by incorporating the subject matter of claim 3 which the Examiner indicates to be free of the prior art and therefore allowable if placed in independent format. Applicants have also amended the claim 4 for proper dependency, accordingly.

Therefore, Applicants respectfully request withdrawal of the rejection of claims 1 and 7 under 35 U.S.C. § 102(b) as being anticipated by Siedel *et al.*, U.S. Patent Number 5,288,606.

Applicants have canceled claim 3 and amended claim 1 to incorporate the subject matter from claim 3 which the Examiner states to be free of the prior art. Applicants submit that all issues have been addressed and the claims are now allowable.

## **CONCLUSION**

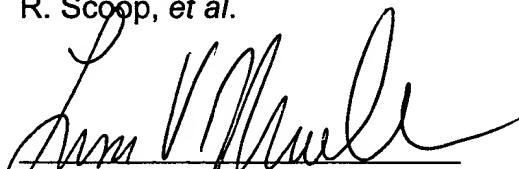
Applicants respectfully submit that the claims comply with the requirements of 35 U.S.C. Sections 112 and 102. Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

Should the Examiner have any questions concerning the above, she is respectfully requested to contact the undersigned at the telephone number listed below. If the Examiner notes any further matters which the Examiner believes may be expedited by a telephone interview, the Examiner is requested to contact the undersigned.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account no. 23-0785.

Respectfully submitted,

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